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International Covenant on Civil and Political Rights

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Human Rights Committee

List of issues prior to the submission of the sixth periodic report of Ecuador*

The Human Rights Committee, at its ninety-seventh session (A/65/40 [Vol. I], para. 40) established an optional procedure which consists in the preparation and adoption of a list of issues to be transmitted to the State party concerned prior to the submission of its periodic report. The replies of the State party to the list of issues will constitute its report under article 40 of the Covenant.

General information on the national human rights situation, including new measures and developments relating to the implementation of the Covenant

1. Please provide information on any significant political and administrative measures adopted since the submission of the previous report to promote and protect the human rights covered by the Covenant, the resources allocated, their means, objectives and results. Please also provide information on measures adopted to disseminate the Covenant among judges, lawyers and prosecutors.

2. Please provide any other information on new measures adopted to disseminate and implement the Committee's previous recommendations (CCPR/C/ECU/CO/5), and on the outcome.

* Adopted by the Committee at its 110th session (10–28 March 2014).

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Specific information on the implementation of articles 1 to 27 of the Covenant, including in relation to the Committee's previous concluding observations

Constitutional and legal framework within which the Covenant is implemented

3. Please indicate what procedures are in place for the implementation of the Committee's Views under the Optional Protocol. Please indicate what concrete steps have been taken to implement the Committee's Views in the cases of *Cañón García v. Ecuador* (communication No. 319/1988) and *Teran Jijón v. Ecuador* (communication No. 277/1988).

4. Please describe the activities of the Public Defender Service in the field of civil and political rights and any tangible results (measures adopted to implement its decisions), including statistical data (number and type of complaints received, decisions adopted and follow-up). Please indicate what steps have been taken to ensure that the Service has sufficient resources to fulfil its mandate properly as well as its additional functions as the national mechanism for the prevention of torture.

Non-discrimination and equality (art. 2, para. 1, and arts. 3, 25 and 26)

5. In the light of the previous concluding observations (para. 8), please indicate what measures the State party has adopted to guarantee the effective implementation of legislation and policies on gender equality and to ensure women's participation in different spheres of public life. What concrete steps has the State party taken to combat discrimination against women in the area of employment and, in particular, to reduce the current rates of unemployment and underemployment among women and to close the wage gap between men and women?

6. What tangible steps have been taken to implement the Plurinational Plan for the elimination of racial discrimination and ethnic and cultural exclusion? Has the State party evaluated the effectiveness of the measures adopted to eradicate this type of discrimination, in particular against indigenous peoples, Afro-Ecuadorians and immigrants? Please indicate the current status of the bill on the establishment of national equality councils.

7. Please provide information on the content and application of the Organic Act on Disabilities. What other measures have been adopted in this area? What steps have been taken to inform persons with disabilities of their rights and how to assert them, and with what results?

8. Please describe the legislative or administrative measures, including any recent court decisions, on protection against discrimination on the grounds of sexual orientation or identity. Please indicate what action the State party has taken to deal with the complaints concerning LGBT persons being held in clinics or rehabilitation centres to undergo "sexual reorientation treatment". How many public or private health centres have been punished or closed down for that reason?

9. Please describe the measures adopted by the State party in response to the concern expressed by the Committee in its previous concluding observations (para. 18), regarding the requirement for Colombian nationals who enter Ecuador to produce a certificate of good conduct (criminal record).

Violence against women (arts. 3 and 7)

10. Please provide information on measures in place to guarantee the investigation, prosecution and punishment of cases of gender-based violence, including sexual and domestic violence, as well as an assessment of the impact of those measures. Please clarify whether indigenous communes have the authority to try such offences on the basis of their traditions, and indicate what specific measures have been adopted to guarantee the prevention, prosecution and punishment of such offences in that context. Please include statistical data covering the period under review on the number of complaints filed concerning different forms of violence against women and the number of convictions handed down, including the penalties imposed and the compensation awarded to the victims. In addition, please provide information on action taken to implement the other measures described by the State party in its follow-up report to the Committee's previous concluding observations, and in particular the reform of judicial bodies specializing in cases of violence against women; the setting up of a national system for registering cases of sexual violence; the establishment of special domestic violence and sexual offence units in the Attorney-General's Office and the National Police to handle; the upgrading of the network of shelters for victims; and the establishment of a procedure allowing victims to obtain redress, including adequate compensation and rehabilitation. Lastly, has the State party considered amending its legislation on voluntary termination of pregnancy in order to include pregnancy resulting from rape among the legal grounds for abortion?

11. According to information before the Committee, cases of abuse and sexual violence against girls in educational establishments in the State party continue to be reported. Please indicate the number of complaints filed during the period under review and provide information on the investigations and judicial proceedings opened, as well as on the corresponding convictions, penalties and forms of compensation. Please include information on action taken to eradicate abuse and sexual violence against schoolchildren.

Public emergency (art. 4); measures to combat terrorism, observance of the guarantees set forth in the Covenant and the right of peaceful assembly (art. 21)

12. In the light of the Committee's previous concluding observations (para. 10), please provide information on the measures adopted by the State party to guarantee that the provisions of the Covenant and the constitutional principles governing states of emergency are fully observed in practice. Please also explain how the State party ensures observance of the rights that cannot be restricted or suspended under any circumstances. Taking into account the reports of violent incidents that occurred on 30 September 2010, please furnish information on the applicability and scope of Executive Decree No. 488 of 30 September 2010.

13. Please describe the legislative measures that have been adopted to combat terrorism, and to what extent they might affect the rights guaranteed under the Covenant. Please comment on reports concerning the broad classification of offences in book II, title I, chapter IV, of the Criminal Code ("Offences of sabotage and terrorism") and their application in charging persons who organize or participate in public demonstrations. Please furnish detailed statistics on the number of persons accused of terrorism or sabotage in the context of social protests and other public demonstrations during the period under review.

Right to life and prohibition against torture and cruel, inhuman or degrading treatment or punishment, remedies and administration of justice (arts. 6 and 7, 2, para. 3, and 14)

14. According to information before the Committee, abuses by the police and armed forces persist, and unlawful killings, including extrajudicial executions, continue to be reported. Please provide updated information on investigations carried out during the period under review into law enforcement officials and members of the military suspected of having committed such acts and any disciplinary action or criminal proceedings brought against them. Please include information on the convictions handed down and penalties imposed. What other measures has the State party taken to ensure that police officers and members of the Armed Forces act in a manner consistent with articles 6 and 7 of the Covenant?

15. What practical steps have been taken during the period under review to prevent lynching? Please explain what action has been taken to deal with abuse by members of the so-called peasant defence networks and what its actual impact has been.

16. In the light of the previous concluding observations (para. 13) and the request for information by the Committee's Special Rapporteur for follow-up on concluding observations, please provide statistical information, disaggregated by sex, age and ethnic origin or nationality of the victim, concerning complaints of torture and ill-treatment during the period under review. Please include information on the investigations, disciplinary and criminal proceedings, and convictions handed down, as well as on the disciplinary sanctions or criminal penalties imposed. Please also indicate what steps have been taken to classify the offence of torture and to secure redress for victims.

17. In response to the Committee's previous concluding observations (para. 15), please provide updated information on the investigation and prosecution of the human rights violations that occurred in Ecuador between 1984 and 1988, and other cases of particular significance that occurred subsequently and were also covered in the final report of the Truth Commission. Please indicate the number of investigations and criminal cases opened as a result of the information submitted by the Truth Commission to the Attorney-General's Office.

18. Please provide information on measures in place to provide protection and support to victims and witnesses of human rights violations. Please also provide information on the outcome of the investigation into the murder, on 6 July 2010, of Dr. Germán Antonio Ramírez Herrera, a forensic expert specializing in the investigation of cases of torture and summary executions.

Elimination of slavery and servitude (art. 8)

19. Has the State party evaluated the effectiveness of action taken under the national plan to combat human trafficking? Please provide information, on an annual basis starting from 2009, about complaints, investigations, prosecutions and convictions relating to human trafficking, including the penalties imposed on the perpetrators.

Personal liberty and security and treatment of persons deprived of their liberty (arts. 9 and 10)

20. In response to the Committee's previous concluding observations (para. 17), please describe the measures adopted and progress made to improve detention conditions in

prisons, and in particular to lower the high levels of occupancy, increase staff, upgrade medical services and remedy the problems with the water supply and sanitation systems. Please provide information on the use of non-custodial measures and sentences. Please include updated information, with statistics disaggregated by sex, age group and ethnic origin or nationality, on the number of persons held in pretrial detention and prisoners serving a sentence, as well as the occupancy rate of all the detention centres. Please also indicate protocols to prepare for and ensure the release, on the scheduled date, of prisoners who have served their prison term.

21. Please supply information on social reintegration programmes being developed in prisons in the State party. According to information before the Committee, violence among inmates persists. Please provide detailed information on this, including on any cases involving possible negligence by the prison staff, and the number of related complaints. What preventive action has been taken? Please also furnish updated statistics on cases of death in custody recorded during the period under review, disaggregated by place of detention, sex, age and ethnic origin or nationality, and cause of death. Please provide information on the results of the investigations into all deaths and the measures in place to prevent suicides and sudden deaths in detention centres.

Right to a fair trial and equality before the law (arts. 14 and 26)

22. Please provide updated information on the process of judicial reform. Please give information on the composition and functions of the new Council of the Judiciary, as well as on the mandate, composition and activities of the Transitional Council of the Judiciary during its 18 months in operation. Please provide information on mechanisms in place to guarantee the independence of the judiciary, in particular on the procedure for appointing judges and prosecutors, the regulations governing their security of tenure and the conditions for their suspension. Please comment on reports of irregularities in the selection, appointment and dismissal of judges and judicial officials.

23. Please indicate the current status of the bill on coordination and cooperation between the indigenous and ordinary justice systems. How does the State party guarantee that the indigenous justice system observes the precepts of the Covenant? Have any specific measures been adopted to ensure that indigenous peoples have equal access to justice?

Freedoms of expression and association (arts. 19 and 22)

24. In the light of the Committee's general comment No. 34 (2011) on freedom of opinion and of expression, please comment on how freedom of expression is guaranteed in Ecuador, in particular since the entry into force of the Organic Act on Communication, approved on 14 June 2013. In addition, please give details of the changes introduced by the Comprehensive Organic Criminal Code in respect of defamation, calumny and contempt. Please indicate the number of criminal proceedings brought during the period under review against journalists, trade unionists and members of the opposition for defamation, slander or contempt, as well as on the convictions handed down and sentences imposed. Please include information on the proceedings brought against Mónica Chuji, indigenous leader and former minister; Carlos Zorrilla, founding member of the NGO Defensa y Conservación Ecológica de Intag (DECOIN); and Emilio Palacio, Carlos Nicolás Pérez Lapentti, Carlos Pérez Barriga and César Pérez Barriga, former opinion page editor and directors of the newspaper *El Universo* respectively.

25. Please describe the measures adopted by the State party to guarantee the right to freedom of association. Please provide information on the content and application of

Executive Decree No. 16, of 4 June 2013, and on the process of setting up the new unified information system for social organizations, especially with regard to the grounds for their dissolution contained in article 26 of the Decree, in the light of article 22, paragraph 2, of the Covenant. Please include information on the closure of the NGO Fundación Pachamama, ordered by the Ministry of the Environment on 4 December 2013 (Ministry of the Environment Decision No. 125).

Rights of the child (art. 24)

26. Please provide information on the legislative and practical measures adopted to eradicate child labour. What steps have been taken to combat child abuse, including corporal punishment in all contexts, including in the home? Please also provide information on the Decentralized National System of Comprehensive Protection for Children and Adolescents and the establishment of national equality councils. What is the national body responsible for overseeing and coordinating the effective and specialized protection of children?

Participation in public affairs (art. 25)

27. Please supply information on mechanisms or consultation processes in place to guarantee the prior, free and informed consent of indigenous peoples regarding legislative or administrative measures liable to affect them directly, such as those on the elimination of racial discrimination or the exploitation of natural resources in their territories. Please also provide information on the content and current status of the bill on consultation and participation.

Rights of persons belonging to minorities (art. 27)

28. Please provide updated information on the existence and size of ethnic, religious and linguistic minorities in Ecuador, explaining how their rights under article 27 of the Covenant are guaranteed.